

REMARKS

I. Introduction

Claims 1-33 stand rejected. Claim 22 was amended to improve clarity and eliminate informalities. New claim 34-36 were added to claim additional features of Applicant's invention. The amended and new claims are supported by the original disclosure and do not add new matter. Claims 1-36 are pending. Reconsideration of the application and allowance of all pending claims is respectfully requested.

II. Rejection of claims 1-13 and 16 to 33 under 35 U.S.C. 102(b)

The Examiner rejected claims 1-13 and 16-33 under 35 U.S.C. 102(b) in light of Desbiens (U.S. Patent 5,074,665).

Several of the example embodiments of Applicant's invention solve problems related to losing instant lottery tickets that are incorrectly presented for redemption and winning instant lottery tickets that are not presented for redemption at all. Particularly with more complicated scratch-off games, some customers may not correctly understand the rules of the game, or may not properly recognize when a scratch-off ticket they have purchased is in fact a winning ticket. When customers present tickets for redemption that are not winners, this can be embarrassing for the customer who presented the ticket for redemption; it may also frustrate and waste the time of the retailer who has received the losing ticket for redemption. This may cause customers who are not sure they have a winning ticket not to present the ticket for redemption, resulting in winning tickets not being redeemed. For some lotteries the percentage of winning tickets that are never redeemed is surprisingly high, and lottery authorities and the consuming public may view this negatively.

Some of the example embodiments of the Applicant's invention, described in the specification, allow customers to easily recognize they have a winning ticket, even if they might not fully understand the rules of the game. This in turn may increase redemption rates and reduce the frequency of non-winning tickets being presented for redemption. In particular, some example embodiments of Applicant's invention may include a pair of check codes which a player may match to determine if the ticket is a winning ticket, without completely analyzing the scratch-off game that is featured on the ticket. These codes, may also serve as a reminder or check for customers who incorrectly analyze the scratch-off game

that is featured on the ticket or who are merely unsure if they have analyzed the scratch-off game correctly.

In particular Applicant's claim 1 recites:

1. A game ticket, comprising
a substrate;
a game play area located on the substrate;
a customer key area located on the substrate;
a removable opaque covering applied to the substrate;
a first indicia visually indicating whether the game ticket is a winning ticket, the first indicia being located on the substrate within the game play area and concealed by the removable opaque covering; and
a second indicia visually indicating whether the game ticket is a winning ticket, the second indicia including
a first player key located on the substrate and concealed by the removable opaque covering; and
a second player key located on the substrate within the customer key area,
wherein whether the game ticket is a winning ticket is determinable using information from the first and second player keys in combination, but not determinable using only information from one of the first and second player keys.

The Examiner alleges that claim 1 is anticipated by Desbiens. Desbiens generally describes a bingo type ticket with a first grid of numbers printed directly on the ticket (i.e. under the scratch-off layer) and a second grid of numbers printed on top of the scratch off layer.

Desbiens also generally describes dual numbering of game cards for quality control purposes. The Examiner alleges that elements 25 and 27 of the Desbiens satisfy the first player key and second player key elements of Applicant's claim 1. The Examiner then alleges "Whether the game ticket is a winning ticket is determined from the combination (matches) of the first and second player keys" and cites Desbiens col. 5, line 41-55, for this proposition. The cited portion of Desbiens recites:

A third feature that can be used with the game forming the subject matter of this invention is the dual numbering of the game card. In this feature, the same number is printed on the first and second grids to make sure that the synchronization was perfect when such printings were carried out and that the second grid was identical to the first one. By way of example, a three-digit number, or an alpha-numeric symbol such as D8 at 25 in FIGS. 1 and 3, may be printed on the card when the first grid 5 is printed thereon. Then, the same number or alpha-numeric symbol may be printed at 27 when the second grid is

printed. Of course, *a match in the numbers or alpha-numeric symbols printed at 25 and 27 is proof that both printings have been successfully synchronized.*

Desbiens 5:41-55 (emphasis added).

To anticipate a claim, the reference must teach every element of the claim. *See* MPEP 2131. The identical invention must be shown in as complete detail as is contained in the .. Claim. *See id.* (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Desbiens does not teach or even suggest all of the features of Applicant's claim 1. As is clearly indicated the recited paragraph from Desbiens, the numbers or alpha-numeric symbols 25 and 27 printed on Desbiens' ticket are intended to allow the printer of the game to verify that the correct upper printed layer (i.e. on top of the scratch-off layer) has been applied to the lower printed layer (the layer beneath the scratch-off layer); a mis-match in printing layers can be detected by a mismatch between 25 and 27. There is no teaching or suggestion in the recited paragraph, or elsewhere in Desbiens, that Desbiens 25 and 27 can be used to determine whether a ticket is a winner, as recited in Applicant's claim 1. There is also no teaching or suggestion that Desbiens 25 and 27 visually indicate whether the game ticket is a winning ticket, as recited in Applicant's claim 1. There is no indication that Desbiens 25 and 27 are applied to only winning tickets, that they match only on winning tickets, that losing tickets do not have matching numbers, or any other teaching or suggestion that the Desbiens' 25 and 27 are provided or can be used in Desbiens so that "whether the game ticket is a winning ticket is determinable using information from the first and second player keys in combination.

Accordingly, because Desbiens does not teach all the feature of Applicants' claim 1, Desbiens does not anticipate claim 1. Withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-13 depend from claim 1 and thus should be patentable for at least the reasons given above for claim 1.

Separately and independently from the argument above for claim 1, claim 3 recites that the first player key is located within the game play area. While Applicant notes that, as discussed above, Applicant respectfully disagrees with the Examiner's conclusion that Desbiens elements 25 and 27 are the recited player keys. However, even accepting the Examiner's argument that 25 and 27 are the recited player keys, neither element 25 nor element 27 of Desbiens are located in a game play area on Desbiens ticket. Accordingly,

claim 3 is not anticipated by Desbiens. Withdrawal of the rejection of claim 3 is respectfully requested for at least this additional reason.

Separately and independently from the argument above for claim 1, claim 5 recites that “whether a game ticket is a winning ticket is determinable upon a comparison of the first and second player keys”. There is no indication in Desbiens that Desbiens ticket is a winner is determinable upon a comparison of Desbiens elements 25 and 27. Withdrawal of the rejection of claim 5 is respectfully requested for at least this additional reason.

Separately and independently from the argument above for claim 1, claim 9 recites that the customer key area is located at least partially within the game play area, and claim 10 recites that the customer key area is located entirely within the game play area. Neither element 25 nor 27 are located in a game play area on the Desbiens tickets. Withdrawal of the rejections of claims 9 and 10 is respectfully requested for at least this additional reason.

Separately and independently from the argument above for claim 1, claim 11 recites that at least one of the first and second player keys is a non-numeric and non-alphabetic symbol. Desbiens teaches that his elements 25 and 27 are numeric or alpha-numeric symbols. *See, e.g.*, Desbiens 5:52-55. Desbiens neither teaches nor suggests the use of a symbol that neither numeric nor alphabetic for use as elements 25 and 27. Withdrawal of the rejection of claim 11 is respectfully requested for at least this additional reason.

Independent claim 16 recites “using information from the first player key and a second player key to visually determine if the game ticket is a winning ticket”. Similar to the discussion above for claim 1, this set is not taught or suggested by Desbiens. The Examiner has also not identified how the elements 25 and 27 would allegedly be used to “visually determine if the game ticket is a winning ticket”, as recited in claim 16. Withdrawal of the rejection is therefore respectfully requested.

Claims 17-21 depend from claim 16 and should be allowable for at least the reasons given above for claim 16.

Independent claim 22 was amended to improve clarity. Amended claim 22 recites

providing a first player key in a first area of a game ticket;
providing a second player key in a second area of the game ticket,
..., wherein whether the game ticket is a winning ticket is determinable upon
visual examination of the first and second player keys ...

The recited feature of “whether a the game ticket is a winning ticket is determinable upon visual examination of the first and second play keys” is not taught or suggested by Desbiens. As discussed above for claim 1, elements 25 and 27 of Desbiens are not connected with

identifying winning tickets and do not satisfy the recited claim language. Accordingly, claim 22 is not anticipated. Withdrawal of the rejection of claim 2 is respectfully requested. Claims 23-32 depend from claim 22 and therefore should be allowable for at least the same reasons as claim 22.

Claim 33 recites a similar feature, i.e. “whether the game ticket is a winning ticket is determinable using information from the first and second player keys in combination.” As discussed above, this feature is not present in Desbiens. Accordingly, claim 33 is not anticipated. Withdrawal of the rejection of claim 33 is respectfully requested.

III. Rejection of claims 14 and 15 under 35 U.S.C. 103(a)

The Examiner rejected claims 14 and 15 under 35 U.S.C. 103(a) over Desbiens in light of Koza. To establish a *prima facie* case of obviousness, the prior art reference(s) must teach or suggest ALL the claim limitations. See MPEP 2143. Like claim 1, independent claim 14 recites “wherein the game ticket is a winning ticket is determinable using information from the first and second player keys in combination” and thus should be allowable for at least similar reasons as those given above for claim 1. Moreover, claim 14 further recites that “a position of the first player key within the game play area cannot be determined prior to removal of the removable opaque covering”. The Examiner has not identified this feature in the cited Desbiens reference. Moreover, the elements 25 and 27 of Desbiens that the Examiner has identified as alleged player keys are located at a known and predetermined position on the card – therefore they do not satisfy the recited portion of claim 14. The Examiner also has not alleged that these features are found in Koza; the Examiner merely cites Koza for the alleged teaching of a book of tickets. Since the Examiner has not identified each and every feature of claim 14 in the proposed combination of reference, Applicant respectfully submits that he has not made out a *prima facie* case of obviousness.

Accordingly, for at least the above reasons, claim 14 is not rendered obvious by Desbiens or Desbiens and Koza. Withdrawal of a the rejection is respectfully requested.

IV. New claim 34

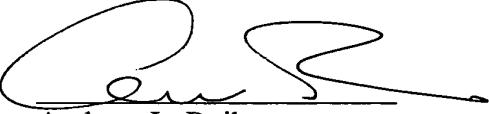
New claim 34 recites “whether the game ticket is a winning ticket is determinable by the player based upon visual examination of game play area and is also determinable by the player based upon visual examination of the first and second player keys”. Claims 35 and 36 depend from claim 34. Accordingly, claims 34-36 should be allowable for reasons similar to the claims already discussed.

V. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Entry of the amendment, and prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Examiner is invited to telephone Applicant's undersigned representative if any question arises concerning the present application.

Respectfully submitted,

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